Pris. 39-09 (1-8)

Previous references.

Sec. 72-06 (1-2)
" 153-12 (1-2)
" 7-08 (1-2)
" 120-10 (1-2)

Later references.

Pris 36-12 5-8
51-12; 1-3
" 36-12; 1-3 (5)

1912-13.
(6 Prisons)

File No. 36-12
Serial Nos. 1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 4.

Part B. for May 1913

SUBJECT.

Commencement of the date of sentence when a sentence of death is commuted into one of transportation for life.

From Insp. Gl. of Prisons
No 281/7-13. d 3.3.13.

Solicits instructions as to the date of commencement of the sentence of transportation for life, into which the sentence of death passed on Thumma alias Mallodu was commuted.

2. To the above officer. No 2936 d. 2.4.13.

Enquires how the date in the case of Siddalinga, Bile Gowda v Nanjunda, whose sentences of death were commuted into transportation for life, was calculated.

G. R. S. 58

P.T.O

27.5.13

3. From the same office

No- 476/7-13 d. 11-4-13.

Intimates, with reference to 2, that, in the cases of Siddabuiya & Nanyinda, the date of commuted sentence began from the date on which the Sessions Judges who tried them passed the provisional sentence of death & that in the case of Polegowda, the date took effect after the expiry of the imprisonment he was undergoing before sentence of death.

4. To the Dy.G. Persons V. Reg— Chief Court.

No J-331/— 18 d 3-5-13.

Directs that — in all cases of the kind the period is to be calculated from the date of the order of H.E. commuting the sentence of death & requests the Dy.G. to submit a draft of rules in the matter for incorporation — in the jail manual.

G.R.S. 11] 1912.

GENERAL AND REVENUE SECRETARIAT.

(Prisons)

NOTES.

File No. 34-12

FILE HEADING.

Commencement of the date of Sentence when the sentence of death is commuted into one of transportation for life.

From

The Inspector General of Prisons in Mysore

No. 281/713 Dated 3.3.13 Received 5.3.13

Diary No. 12443 | Enclos. 1 | Spare Copies. - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of letter from the Supdt. B.C. Jail bringing to notice that the sentence of death passed on Thimma alias Malloda has been commuted to one of transportation for life & Soliciting instructions as to the date from which the Sentence is to take effect & adds that the rule to be followed in this case should be in accordance with Section 315 of the Madras Jail Code.

NOTES AND ORDERS.

Subd. The sentence of death passed on the convict in question was commuted to one of transportation for life (vide cts file 153-12 post up).

There are no rules corresponding to the Madras rule 315. in the Mysore Jail Manual.

NOTES—First Sheet.

GPB—30,000—12-8-11

R. S. 12]

General and Revenue Secretariat. | Fin File No. 84 of 191 2

Serial No.

1

24/4?

A copy of the Bengal Jail Code (vide article 619) is also put up. Subd. for orders.

KV. (123) SW / 8.3.13

3 The point raised is not one free from difficulty. But it may be held that the principle enunciated in the Madras Jail Manual relating to orders of Commutation by the High Court may be held applicable to the order passed by Govt also.

SDK 11/3

4 (Dy Secy) Prima facie the order of Commutation takes effect only from its date. Prior to it no order could be said to have been in existence. If in direct authorities are needed the following may be kindly referred to:—

(a) Madras Jail Sn: Rule 315

(b) Bengal Jail Code: Rule 632, 619 para 4: 2nd & 3rd Commutations.

Dmy Asst Secy 19/3 SAL.

5 The sentence should run from the date of the order of commutation as is the case in practice in vogue elsewhere

Wells 21/3/13

23/3 Dmy 24/3

LR 26/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat. | Pris File No. 34 of 1912

Serial No.

6 What is the practical significance of the date? The question must have been raised before this in this Jail. What has been the practice?

25/3/13

7 Put up precedents if any

27/3

Pris 1

8 Subd. The question does not seem to have come to Govt. before & there is no rule in our Jail Manual on the point.

9 The I.G. may perhaps be consulted as to how the date was hitherto calculated in the case of prisoners whose death-sentence was commuted into one of transportation for life. Cases in which such sentences were commuted are also put up.

Z cto 7-08
Y cto 120-10
2 cto 158-12

10 Draft Subd to the I.G. of Prisons for approval or other orders.

K.N.(123) 28.3.13 29/3

11 Issue

29/3

31/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

2901 4

[G. R. S. 12]

General and Revenue Secretariat. | Pris File No. 34 of 1912

Serial No.	
	Do.
2	The D.G. of Prisons in Mysore no. J 2936 dt 2.4.13 Enquires how the date in the case of Sidda Linga, Bile Gowda & Nanjunda in whose cases sentences of death passed were commuted to transportation for life, was calculated.
3	From The same officer no. 476/7-13 dt 11.4.13 Intimates that in the cases of convicts Siddalinga & Nanjunda, their commuted sentences are being calculated from the dates on which the Sessions Judges who tried them passed the provisional sentences of death & in the case of Bile Gowda, the date took effect after the expiry of the imprisonment he was undergoing before he was sentenced to death.
12	Subd. The calculations made in the cases of Siddalinga & Nanjunda are not as laid down in rule 315 of the Madras Jail Code. The present information was called for at the instance of the 1st Councillor.
	K.N. (123) 14.4.13 SN
13	Transportation for life is usually taken to be equivalent

NOTE—Contn. sheet.

GPB—55,000—17-9-12.

Serial No.

to imprisonment for a period of 20 ~~18~~ years. The date of release will have to be calculated from the date when this period began to have effect. Hence the practical significance of the date.

14- There does not seem to have been any uniform practice in the jail. Hence the need for a definite ruling

15(a) SPR 17/4

15- The beginning may date from the Commutation of the Sentence by order of H.H. the Maharaja.

18/4/13

18 4 1914

16- Draft

SPR 19/4

Pol

17 19/4 Subject with a draft order.

18- After the date of the order of H.H. on each memorial has to be inserted hereafter

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat. | Pris File No. 34 of 1912-13

Serial No.

and the fact will be noted in the Courts Section after issue of this order.

KN.(123) 22.4.13 SN 23/4

19) Draft as per para 15 is put up. (2nd draft as per amendment). (Dr Secy) SDL 23/4 Draft as per Note 23/4 SDL

20) Draft approved 25/4/13 WS 26/4 Draft 26/4 SDL 26/4

21) Draft appd. by 1st Counsellor MTS 28.4.13. WS 30/4 Draft 30/4

22) Issue SDL 30/4

23) The Courts Section for note. KN.(123) 10.5.13

Noted. KG.-129 10.5.13

NOTE—Contn. sheet.

PT.O

GPB—65,000—17-5-12.

2901

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General and Revenue Secretariat.

Pro File No. 34 of 1912

Serial No.	
4	Do. The D.G. of Prisons & the Registrar, Chief Court. nos J 3317-18 dy 3.5.13 Directs that in all cases when the death sentence (or a prisoner is commuted to one of transportation for life by H.H., the period be calculated from the date of the order of H.H. & in the present case the sentence do take effect from 28.1.13, the date of the order of H.H. & requests the D.G. to submit a draft of a rules in the matter for incorporation in the Jail Manual.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

1

No. 281 / 7-13 Encl: 1.

OFFICE OF THE INSPR.-GEN. OF PRISONS IN MYSORE,

Dated Bangalore, 3rd March 1913.

DIARY No. J 2443

FROM

P.S.Achyuta Rao Esqr.,

Inspector-General of Prisons in Mysore,

Bangalore.

10/2-10/3
SECTION: Prisons
FILE No. 3472
SERIAL No. 1

To

K.R.Srinivasiengar Esqr., M.A.,

Offg. Secretary to the Government of H. H.

the Maharaja of Mysore, Gen. and Rev. Depts.

SIR,

In forwarding copy of letter No.253/F.16 dated 27th February 1913, from the Superintendent, Bangalore Central Jail, for favor of perusal, I have the honor to state that the date of transportation should begin from the date of the Government Order commuting the sentence of death into one of transportation for life.

2. I think the rule to be followed in this case should be in accordance with Section 315 of the Madras Jail Code.

3. I solicit orders of the Government.

I have the honor to be,

Sir,

Your most obedient servant,

P. S. Achyuta Rao

Inspector-General of Prisons.

T.C.G.

III/43 Pris/12

From

The Inspr.-Gen. of Prisons
in Mysore, Bangalore.

To

The Secy. to the Govt. of Mysore,
Gen. and Rev. Depts.

Dated 3rd March/13.

Despatched

Received

General No. 281

No. 7-13.

Enclosure No. 1.

Subject.

Solicits instructions as to the date from which the commuted sentence of transportation for life passed on prisoner No. 6684 Thimma alias Mallodu of the B.C. Jail, has to take effect.

GPB—450—10-9-12

(2)

Letter No.253/F.16 dated the 27th February 1913, from P. Palpu Esqr., L.M.S., & D.P.H., Offg. Superintendent, Central Jail, Bangalore, to Dr. P.S.Achyuta Rao, Inspector-General of Prisons in Mysore, Bangalore.

I have the honor to report that convict Thimma alias Mallodu No.6684 of this Jail was received here on the 30th August 1912 having been sentenced on 23rd idem to suffer death (subject to confirmation by Chief Court) in Hassan Sessions Case No.1 of 1912-13 on the file of the Sessions Judge, Mysore Division. The sentence of death was confirmed by Chief Court on the 11th December last in Criminal Appeal No.16 of 1912-13, whereupon Criminal Referred Case No.1 a memorial was submitted to His Highness the Maharaja of Mysore with the result that the sentence was commuted to transportation for life. The date of the Dewan's order directing the commutation of sentence is 1st February 1913 and I am soliciting your instructions as to the date from which the commuted sentence of transportation for life has to take effect.

2. I may add that in the case of sentences of death commuted to transportation for life by the Chief Court, the period of transportation is usually calculated from the date of the Chief Court's order (Vide Sec.315 Madras Jail Code).

"C O P Y"

P. S. Achyutha Rao

Inspector-General of Prisons.

T.C.G.

G.R.S. 26]

Pris File No. 34-12

Serial No. 2

Diary No. of letter replied to

No. J 2936.

General and Revenue Secretariat

( )

, *the* 19 .

To

The I. G. of Prisons

in Mysore.

Date of issue 2-4-13

Signed by Our S.P. Rajagopalachar

Paper under disposal

Sir,

Adverting to your letter no 281/7-13 dt 3rd March 1913 soliciting instructions in the matter of calculating the date from which the order commuting the sentence of death passed on convict Thimma alias Malloda into one of transportation for life should take effect, I am

over.

SUBJECT.

4)

directed to enquire how the date was calculated in the case of the marginally-named convicts in whose cases the sentences of death passed on them were commuted to transportation for life.

I have etc.

For Secy to Govt.

Z × Siddalinga accused in Kadur Sessions case no. 16 of 1905 & appellant in cr. appeal no. 2 of 1906.

Y Bile Gowda accused in Kadur Sessions case no. 2 of 1907 & appellant in cr. appeal no. 103 of 1907.

R Nanjunda accused in Mysore Sessions case no. 4 of 1910 & appellant in cr. appeal no. 29 of 1910.

KN. (123) 28.3.13

List of enclosures,

Copied by 1/10/13

Examined by

GPB—20,000—25-9-10

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No. 476
7-13.

OFFICE OF THE INSPR.-GEN. OF PRISONS IN MYSORE,

Dated Bangalore, 11th April 1913.

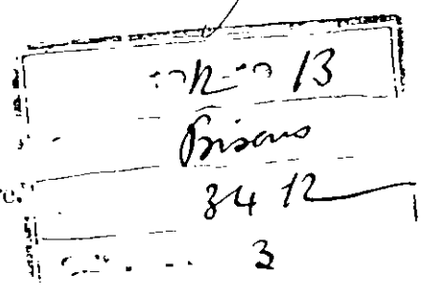
J.2901 for 12/4

FROM

P.S.Achyuta Rao Esqr.,

Inspector-General of Prisons in Mysore,

Bangalore.



To

K.R.Srinivasiengar Esqr., M.A.,

Offg. Secretary to the Government of H. H.

the Maharaja of Mysore, Gen. and Rev. Depts.

SIR,

With reference to your letter No. J.2936/Pris.34-12-2 dated 2nd April 1913, enquiring how the date was calculated in the case of 3 convicts in whose cases sentences of death passed on them were commuted to transportation for life, I have the honor to intimate that the Superintendent, Bangalore Central Jail, reports in his letter No.398/F.16 dated 8th instant, that in the cases of convicts Siddalinga and Nanjunda, the commuted sentences of transportation for life are being calculated from the dates on which the Sessions Judges who tried them passed the provisional sentences of death.

2. In the case of convict Bilegowda, the sentence of transportation for life took effect after the expiry of 18 months rigorous imprisonment which the convict was undergoing before he was convicted and sentenced to death by the Sessions Judge.

I have the honor to be,

Sir,

Your most obedient servant,

P.S. Achyuta Rao

Inspector-General of Prisons.

T.C.G.

From

The Inspr.-Gen. of Prisons
in Mysore, Bangalore.

To

The Secy. to the Govt. of Mysore,.
Gen. and Rev. Depts.

Dated 11th April/13.

Despatched

Received

General No. 476

No. 7-13.

Enclosure No.

Subject.

Intimates how the date was calculated in the case of 3 convicts (Siddalinga, Nanjunda & Bilegowda) in whose cases sentences of death passed on them were commuted to transportation for life.

GPB-450—10-9-12

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G.R.S. 28.]

Pro File No. 3412

Serial No. 2

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

Paper under Dispatch I

the 19

Date of issue 3/5/13

Signed by Mr S.P. Rajagopalachar

READ--

Letter no. 281/7-13 dt 3rd March 1913 from the I.G. of Prisons in Mysore, soliciting instructions in the matter of calculating the date from which the commuted

~~ORDER THEREON.—No.~~

sentence of transportation for life in the case of convict Thimma alias Mallodu no. 6684 of the Bangalore central jail has to take effect.

Order

SUBJECT.

Order thereon :- J 3317-18 71

The Sessions Judge of Mysore sentenced ~~to death~~ the above named convict Thimma alias Mallodu to death on the 23rd Aug 1912 in Hassan Sessions case no. 1 of 1912. His sentence was on appeal confirmed by the Chief Court on 11th Dec 1912, but on the convict submitting a memorial to H.H. the Maharaja, the sentence of death passed on him was commuted to one of transportation for life.

2 The Superintendent of the Bangalore Central Jail having raised a question as to the date from which the sentence should take effect, the I.G. has sought instructions of Govt. He is of opinion that the rule to be followed in this case should be in accordance with Section 315 of the Madras Jail Code.

3 On a careful consideration of the question, the Govt. are pleased to direct that in all

(8)

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

such cases the period should be calculated from the date of the order of H.H. the Maharaja commuting the sentence of death.

4. In the present case the sentence will take effect from 28th Jany 1913 the date of the order of H.H. the Maharaja.

5. As no specific rule exists at present in the matter, the I.G. is requested to submit a draft of a rule for incorporation in the jail Manual.

25/4/13

Dlww 23/4 For Secy to Govt

To.

The I.G. of Prisons in Myan

Regr. Chief Court

28/4

KN.(123) 22.4.13 JW 23/4/13

CG 1/5/13